

**PRELIMINARY
FOR DISCUSSION ONLY**

Hearing: May 14, 2020
Decision: _____

Date: _____

Richard Benson
R.B. Benson and Inc.
29 East Main Street
Westport, CT 06880 - 3749

Re: 71 Hillandale Road, Special Permit/Site Plan Appl. #019-064 [Affirmative]

Dear Mr. Benson:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on _____, it was moved by _____ and seconded by _____ to adopt the following resolution.

RESOLUTION #19-064

WHEREAS, THE PLANNING AND ZONING COMMISSION met on _____, and made the following findings as listed in the staff reports dated **May 7, 2020 and May 13, 2020**, which are available for review in the Planning and Zoning Office:

GO TO PAGE 3, "Now therefore be it resolved...."

Property Description

1. 71 Hillandale Road is conforming 2.37-acre lot, located within the Residence A zoning district.
2. The site is currently improved with the Congregational Church of Green's Farms which has existed in this location since 1853 and per §11.2.2.4, modifications to this institutional use in a Residential zone are subject to §43 Special Permit and Site Plan standards and review by the Planning and Zoning Commission.
3. The property is outside the Coastal Area Management Boundary, the Waterway Protection Line Ordinance (WPLO), and is also located outside the 100-year flood zone.
4. The site slopes from gently downhill from east to west with the highpoint property along Colonial Road.

Proposal

5. *The applicant has proposed to:*

- a. *Reorganize parking spaces and the upper parking lot, for a total of 91 total parking spaces that includes 5 handicapped spaces where 98 is required (variance for 7 spaces received 5/12/2020).*
- b. *Install new road cut from Colonial Road into the upper parking lot making the 4th curb cut into the site (variance for the road cut received 5/12/2020).*
- c. *Renovate the front façade and construct new additions to the building.*
- d. *Enclose the former central outdoor courtyard to create a new activity space.*
- e. *Remove the existing columbarium from the central courtyard and place three new columbaria into the yard between the church and parking lot.*
- f. *Construct a new second floor over existing Nursery School for new classroom space.*
- g. *Renovate the existing classrooms on the first floor as an indoor play space.*
- h. *Create new entrances with accessible walkways.*
- i. *Install a new 10-foot high cupola on the existing roof (variance for height received 2/11/2020).*
- j. *Increase the enrollment of the Nursery School by 1 new teacher in a new classroom and 6 new students; bringing the total up to 65 students and 17 teachers.*
- k. *The Sanctuary space of the church will increase from 3,421 SF to 3,427 SF.*
- l. *The Social space of the church will increase from 2,928 SF to 3,836 SF.*
- m. *Much of the existing landscaping on-site has been removed and an ornamental garden has been proposed around the newly located columbaria.*
- n. *Seventeen 8 to 10-foot arborvitae have been proposed to screen the neighbor to the north. No new parking lot trees have been proposed.*

Prior Approvals

6. *On 1/4/2020, the applicant appeared before the Architectural Review Board and received a positive recommendation.*
7. *On 2/11/2020 the Zoning Board of Appeals granted variances (ZBA #7764) for:*
 - a. *§13-6 Coverage (Total and Building);*
 - b. *§13-4 Setbacks (Play equipment);*
 - c. *§13-5 Coverage (Height);*
 - d. *§6-2.1 Expansion of an existing non-conforming building in the Res. A zone.*
8. *On 5/12/2020 additional variances (ZBA #20-00128) were granted with conditions by the Zoning Board of Appeals for:*
 - a. *§34-11.2 Curb cuts and Access Drives greater than two;*
 - b. *§13-11 Parking in a Res A District;*
 - c. *§34-5 Parking for Houses of Worship (# of parking spaces required).*

The following conditions were added by the Zoning Board of Appeals:

- a. *The seventeen 8-10 foot "Green Giant" arborvitae shall be replaced with fifteen 20-foot conifers to appropriately screen the adjacent neighbor.*
9. *Comments from the Health Department dated April 23, 2020 noted the "applicant should contract the CT Early Childhood Program for approval prior to the start of construction".*
10. *Comments from the Engineering Department dated February 19, 2020, and revised May 12, 2020 indicate amongst other requirements:*

- a. *The applicant will need to secure a driveway permit and possibly a road opening permit.*
 - b. *The entrance to the northern parking lot shall be revised to meet Town requirements and a hold harmless shall be filed.*
 - c. *Th dumpster layout did not take into account traffic and the occupation by vehicles in parking spaces #62 and #63 and shall be revised.*
 - d. *Drainage needs to be revised to take into account the memorial garden and the eastern portion of the site, this can be done prior to Zoning Permit.*
11. *The Fire Department Comments dated February 5, 2020 and revised May 12, 2020 state that the proposal shall include a sprinkler system for the Nursery School facility.*
 12. *The Tree Board reviewed that plans on 5/9/2020 and noted that the existing parking trees and the proposed evergreen buffer meet the current regulations.*
 13. *Testimony was received at the May 14, 2020 public hearing and was held per Executive Order 7B and 7I, authorizing the Commission to hold public meetings via videoconference or other technology.*

NOW THEREFORE, BE IT RESOLVED that 71 Hillandale Road: Appl. #19-064 submitted by Richard Benson for property owned by Congregational Church of Greens Farms for expansions and renovation of existing building, additional curb cut, relocation of the columbarium, landscaping and increasing the Nursery School by 6 students and 1 teacher, located in the Residence A zone, PID#F08105000, be **GRANTED** subject to the conditions listed below and are on file in the Planning and Zoning Office:

GO TO PAGE 4 AND READ REASONS

CONDITIONS

1. *Conformance to the Existing Conditions Plan entitled Congregational Church of Greens Farms prepared by Leonard Surveyor's, LLC dated 11/28/2019.*
2. *Conformance to Development Plan entitled Proposed Grading and Drainage for the Congregational Church of Green's Farms prepared by Ochman Associates last revised 5/2/2020 {**modified to show the new location of the dumpster**_____}.*
3. *Conformance with the Building Plans entitled Green's Farm Church by Steven Orban, Architect, dated 11/18/2019.*
4. *Conformance with the Landscape Plan entitled Landscape Plan and Detail for the Congregational Church of Green's Farms prepared by Ochman Associates last revised 5/2/2020, and revised by hand 5/8/2020, to be further amended to include all the parking lot trees and to include the modifications as required by the Zoning Board of Appeals on 5/12/2020.*
5. *Conformance to approval received from the Westport Weston Health District dated 4/23/2020.*
6. *Conformance with the DPW-Engineering Department comments dated 2/19/2020 and revised 5/12/2020.*
7. *Conformance to the Fire Department requirements and comments dated 2/5/2020 and revised 5/12/2020.*
8. *Conformance with Tree Board comments dated 5/9/2020.*

9. Prior to the issuance of the **Zoning Permit**, which shall be obtained prior to commencement of any work, the applicant shall submit and obtain the following:
 - a. Revised Development Plan, per Condition #2 above.
 - b. Record this resolution on the Land Records;
 - c. Final approval from DPW Engineering for grading and drainage;
 - d. Copies of all necessary permits, such a driveway permit and a road cut permit, from DPW;
 - e. Landscape Plan that has been amended to show all the parking lot trees and to include the fifteen 20-foot-high conifers that are required by the Zoning Board of Appeals.
10. Prior to issuance of a **Zoning Certificate of Compliance (ZCC)**, the applicant shall submit a final "As-Built" survey and the following shall be completed:
 - a. All striping, including the parking and any required fire lanes, shall be in place and located on the as-built plan.
 - b. All landscaping shall be installed in a healthy condition and the site shall be stabilized.
 - c. A copy of the license from the Connecticut Office of Early Childhood, permitting a Day Care Facility for 65 children, shall be provided.
11. All work approved pursuant to this Special Permit and Site Plan application shall be completed within five (5) years of date of approval, by _____.
12. All new utilities shall be placed underground.
13. Trees shall not be removed from Town property.
14. All plantings shown on the modified Landscape Plan shall be maintained in a healthy growing condition and all fences and walls shall be maintained in good physical condition throughout the duration of the use. Plants, fences or walls not so maintained shall be replaced with new materials no later than the beginning of the next immediately following growing season.
15. This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review.
16. **ENFORCEMENT.** Failure to comply with any standard or condition contained in this Resolution, shall be considered a zoning violation pursuant to §45-2 of the Westport Zoning Regulations. The failure to undertake corrective action within 10 days of being notified of such violation may result in the following remedies: 1) issuance of a notice of violation; 2) issuance of a cease and desist order; 3) issuance of a municipal citation with daily fines of up the maximum allowed by statute; and/or 4) enforcement action through a judicial proceeding.

Reasons:

The proposed use has been found to be in conformance with the 2017 Plan of Conservation and Development and the Site Plan and Special Permit standards listed in §44-5 and §44-6.

VOTE!

VOTE:

AYES	-0-
NAYS	-0-
ABSTENTIONS	-0-

Very truly yours,

Danielle Dobin, Chair

cc: Amrik Matharu DPW- Engineering
Nate Gibbons, Fire Marshal
Richard Stein, Tree Board
Pamela Scott, Health Department